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EXAMINER

DUONG, CHRISTINE T

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,834	Applicant(s) PARK, KWANG-HEE	
	Examiner CHRISTINE DUONG	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to the Applicant's arguments and amendments filed on 25 September 2008 in which claims 1-30 are currently pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8, 19-24, 26-28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lester et al. (US Patent No. 6,745,043 B1 hereafter Lester) in view of Jung (US Patent No. 6,148,085).

Regarding claims **1 and 8**, Lester discloses a voice processing method in a mobile terminal which provides for a concurrent service that concurrently provides at least two services, each service requiring voice output (figs. 1-4).

The limitation, prioritizing services provided as the concurrent service (fig. 2).

The limitation, comparing the priority levels of a first service and a second service if the second service is received while the first service is in progress, selecting one of the first and second services that has a higher priority level and outputting voice from the selected service ("The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority

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communication link immediately in order to establish a communications link for the third level priority communication signal" column 5 lines 48-53).

However, Lester fails to specifically disclose providing concurrent service.

Nevertheless, Jung teaches "one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second volume/balance adjuster 50. The first volume/balance adjuster 40 adjusts the volume/balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a loudspeaker 7. The second volume/balance adjuster 50 adjusts the volume and balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a headphone 9" (Jung column 2 lines 55-66).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide concurrent service because it will "provide an audio signal output apparatus for simultaneously outputting different audio signals contained in a multiplexed audio signal via a loudspeaker and a headphone" (Jung column 1 lines 62-65).

Regarding claim **2**, Lester and Jung discloses everything claimed as applied above (see claim 1). In addition, Lester discloses the limitation, upon input of a voice switching signal during the voice output from the selected service, switching to voice output from the other service ("The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications

link for the third level priority communication signal” column 5 lines 48-53 and “the signal identifier 28 may comprise a phone number, and a password that allow a user to override the system defaults by using the password” column 4 lines 50-52).

Regarding claim **3**, Lester and Jung discloses everything claimed as applied above (see claim 1). In addition, Lester discloses the limitation, the services are prioritized by user selection (“the switching system 18 can be configured to allow the priority communication list 30 to be easily modified by reprogramming” column 4 lines 9-11 and “the priority communications system 12 can be uniquely and easily customized to meet the requirements of various customers” column 4 lines 60-62).

Regarding claim **4**, Lester and Jung discloses everything claimed as applied above (see claim 2). In addition, Lester discloses the limitation, the services are prioritized by user selection (“the switching system 18 can be configured to allow the priority communication list 30 to be easily modified by reprogramming” column 4 lines 9-11 and “the priority communications system 12 can be uniquely and easily customized to meet the requirements of various customers” column 4 lines 60-62).

Regarding claim **5**, Lester and Jung discloses everything claimed as applied above (see claim 1). In addition, Lester discloses the limitation, the services are prioritized by prioritizing programs for performing the services (“a first priority level is associated with standard communication signals 24 that do not have any priority, such as personal telephone calls. A second priority level is associated with communication signals 24 that have a higher priority than the standard communication signals, such as business telephone calls. A third priority level is associated with communication signals

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24 that have a higher priority than second priority level communication signals, such as emergency telephone calls” column 5 lines 34-39).

Regarding claim **6**, Lester and Jung discloses everything claimed as applied above (see claim 2). In addition, Lester discloses the limitation, the services are prioritized by prioritizing programs for performing the services (“a first priority level is associated with standard communication signals 24 that do not have any priority, such as personal telephone calls. A second priority level is associated with communication signals 24 that have a higher priority than the standard communication signals, such as business telephone calls. A third priority level is associated with communication signals 24 that have a higher priority than second priority level communication signals, such as emergency telephone calls” column 5 lines 34-39).

Regarding claims **19 and 30**, Lester discloses a voice processing method which provides for a concurrent service that concurrently provides at least two services, each service requiring voice output, in a mobile terminal capable of switching different voice outputs to different output devices (figs. 1-4).

The limitation, prioritizing services provided as the concurrent service (fig. 2).

The limitation, determining whether a first service and a second service are to be provided concurrently if the second service is received while the first service is in progress (“The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications link for the third level priority communication signal” column 5 lines 48-53).

The limitation, determining whether the first and second services are provided as the concurrent service (“The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications link for the third level priority communication signal” column 5 lines 48-53).

The limitation, selecting one of the first and second services and outputting voice from the selected service if the first and second services are not provided as the concurrent service (“The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications link for the third level priority communication signal” column 5 lines 48-53).

The limitation, selecting one of the first and second services that has a higher priority level and outputting voice from the higher-priority service if the first and second services are provided as the concurrent service (“The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications link for the third level priority communication signal” column 5 lines 48-53).

However, Lester fails to specifically disclose the limitation, outputting voices from the first and second services via different output paths if the first and second services are provided concurrently.

Nevertheless, Jung teaches “one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second volume/balance adjuster 50. The first volume/balance adjuster 40 adjusts the volume/balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a loudspeaker 7. The second volume/balance adjuster 50 adjusts the volume and balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a headphone 9” (Jung column 2 lines 55-66).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to output voices from the first and second services via different output paths if the first and second services are provided concurrently because it will “provide an audio signal output apparatus for simultaneously outputting different audio signals contained in a multiplexed audio signal via a loudspeaker and a headphone” (Jung column 1 lines 62-65).

Regarding claim **20**, Lester and Jung discloses everything claimed as applied above (see claim 19). In addition, Lester discloses the limitation, upon input of a voice switching signal during the voice output from the high-priority service, switching to voice output from the other service (“The third priority level communication signal can terminate either a first or second priority level communication link, and terminates the lower priority communication link immediately in order to establish a communications link for the third level priority communication signal” column 5 lines 48-53 and “the

signal identifier 28 may comprise a phone number, and a password that allow a user to override the system defaults by using the password” column 4 lines 50-52).

Regarding claim **21**, Lester and Jung discloses everything claimed as applied above (see claim 19). In addition, Lester discloses the limitation, the services are prioritized by user selection (“the switching system 18 can be configured to allow the priority communication list 30 to be easily modified by reprogramming” column 4 lines 9-11 and “the priority communications system 12 can be uniquely and easily customized to meet the requirements of various customers” column 4 lines 60-62).

Regarding claim **22**, Lester and Jung discloses everything claimed as applied above (see claim 20). In addition, Lester discloses the limitation, the services are prioritized by user selection (“the switching system 18 can be configured to allow the priority communication list 30 to be easily modified by reprogramming” column 4 lines 9-11 and “the priority communications system 12 can be uniquely and easily customized to meet the requirements of various customers” column 4 lines 60-62).

Regarding claim **23**, Lester and Jung discloses everything claimed as applied above (see claim 19). In addition, Lester discloses the limitation, the services are prioritized by prioritizing programs for performing the services (“a first priority level is associated with standard communication signals 24 that do not have any priority, such as personal telephone calls. A second priority level is associated with communication signals 24 that have a higher priority than the standard communication signals, such as business telephone calls. A third priority level is associated with communication signals

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24 that have a higher priority than second priority level communication signals, such as emergency telephone calls” column 5 lines 34-39).

Regarding claim **24**, Lester and Jung discloses everything claimed as applied above (see claim 20). In addition, Lester discloses the limitation, the services are prioritized by prioritizing programs for performing the services (“a first priority level is associated with standard communication signals 24 that do not have any priority, such as personal telephone calls. A second priority level is associated with communication signals 24 that have a higher priority than the standard communication signals, such as business telephone calls. A third priority level is associated with communication signals 24 that have a higher priority than second priority level communication signals, such as emergency telephone calls” column 5 lines 34-39).

Regarding claim **26**, Lester and Jung discloses everything claimed as applied above (see claim 19). However, Lester fails to specifically disclose the limitation, if the first and second services are provided concurrently, the output paths of voices from the first and second services are predetermined.

Nevertheless, Jung teaches “one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second volume/balance adjuster 50” (Jung column 2 lines 56-59).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the output paths of voices from the first and second services predetermined because it will “provide an audio signal output apparatus for simultaneously outputting different audio signals contained in a

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multiplexed audio signal via a loudspeaker and a headphone" (Jung column 1 lines 62-65).

Regarding claim **27**, Lester and Jung discloses everything claimed as applied above (see claim 19). However, Lester fails to specifically disclose activating a voice output selection window if the first and second services are provided concurrently and setting an output path for each of the first and second services in the voice output selection window.

Nevertheless, Jung teaches "when a user's command for adjusting the volume and balance of language audio signal output via the headphone 9 is input through the remote controller 100, the microcomputer 20 controls the OSGM 70" (Jung column 3 lines 36-39) and "when a user's command for adjusting the volume and balance of language audio signal output via the loudspeaker 7 is input through the remote controller 100, the microcomputer 20 controls the OSGM 70" (Jung column 4 lines 49-52).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to activate a voice output selection window if the first and second services are provided concurrently and setting an output path for each of the first and second services in the voice output selection window because it will "provide an audio signal output apparatus for simultaneously outputting different audio signals contained in a multiplexed audio signal via a loudspeaker and a headphone" (Jung column 1 lines 62-65).

Regarding claim **28**, Lester and Jung discloses everything claimed as applied above (see claim 27). However, Lester and Jung fails to specifically disclose upon receipt of a path reset signal during the voice output from the first and second services, activating the voice output selection window.

Nevertheless, Jung discloses “After the adjustments of the volume and balance with respect to the loudspeaker 7 and the headphone 9 are completed by the first volume/balance adjuster 40 and the second volume/balance adjuster 50, the first volume/balance adjuster 40 outputs the language audio signal whose volume and balance has been adjusted to the loudspeaker 7 and the second volume/balance adjuster 50 outputs the language audio signal whose volume and balance has been adjusted to the headphone 9” (Jung column 4 lines 1-9). This shows that at this point, a path reset could be entered by the user and the output selection window can be readjusted.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to activate the voice output selection window upon receipt of a path reset signal during the voice output from the first and second services because of design choice.

3. Claims 9-10, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung in view of Hirose et al. (US Patent No. 6,980,213 B1 hereafter Hirose) and Thayer et al. (PG Pub US 2003/0114109 A1 hereafter Thayer).

Regarding claim **9**, Jung discloses a mobile terminal capable of switching between voice outputs (figs. 1-3).

The limitation, a voice switch for switching decoded voice signals to selected output devices under the control of the controller, so that different voice outputs are connected to different output devices (“one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second volume/balance adjuster 50. The first volume/balance adjuster 40 adjusts the volume/balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a loudspeaker 7. The second volume/balance adjuster 50 adjusts the volume and balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a headphone 9” column 2 lines 55-66).

The limitation, the voice switch has first and second input terminals for receiving the decoded voice signals (“an audio processor 10 demultiplexes a multiplexed audio signal input from a tuner (not shown), and processes the demultiplexed audio signal under the control of a microcomputer 20, to then output the processed signal to a switching portion 30. External audio signals input via the external input terminal 90 are supplied to the switching portion 30” column 2 lines 44-50).

However, Jung fails to specifically disclose a controller for controlling functions including mobile communication and wireless Internet connection, a storage for storing programs required for operation of the controller and data, a radio frequency (RF) module for communicating RF signals with a base station over a mobile communication network through an antenna, a keypad having keys for data input, a voice

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coder/decoder (CODEC) connected to the controller, for receiving a voice signal from the controller and decoding the voice signal.

Nevertheless, Hirose teaches CPU 2101, RAM 2102 and ROM 2103, an antenna 28, an input device 22, and a speech CODEC 24 (fig. 2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a controller for controlling functions including mobile communication and wireless Internet connection, a storage for storing programs required for operation of the controller and data, a radio frequency (RF) module for communicating RF signals with a base station over a mobile communication network through an antenna, a keypad having keys for data input, a voice coder/decoder (CODEC) connected to the controller, for receiving a voice signal from the controller and decoding the voice signal because "the terminals 15 and 16 can provide users at least with functions of telephony, browsing, and/or mailing" (Hirose column 7 lines 20-22).

In addition, Jung and Hirose discloses everything claimed as applied above. However, Jung and Hirose fails to specifically disclose the first and second input terminals are received from a voice CODEC.

Nevertheless, Thayer discloses the following elements either alone or in combination of Codec 62, links 55a, 55b, 64a, 64b in fig. 2 and "Codec 62 provides encoded portions of each analog signal to baseband controller 72 over links 64, link 64a carrying the encoded portions of the signals from audio input device 52a and link 64b carrying the encoded portions of the signals from audio input device 52b" (Thayer

[0033]) and “Upon receiving encoded audible sounds, codec 62 may decode the encoded audible sounds from each channel and generate analog signals representing the encoded data over links 55. The analog signals associated with one of the incoming channels would be output over link 55a, and the analog signals associated with the other channel would be output over link 55b” (Thayer [0034]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the first and second input terminals be received from a voice CODEC because “Codec 62 is operable to encode the analog signals representing the audible sounds and provide the data to wireless module 26 over links 64. Additionally, codec 62 receives encoded audible sounds from controller 28 over link 66. Codec 62 is operable to provide analog signals representing the encoded audible sounds from controller 28 over links 55” (Thayer [0027]).

Regarding claim **10**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 9). In addition, Jung discloses the limitation, the voice CODEC has first output terminal assigned to one of two services being concurrently received, for outputting voice from the service (loud speaker 7, fig. 2), and a second output terminal assigned to the other service for outputting voice from the other service (headphone 9, fig. 2) and the limitation, the voice switch connects first and second input terminals and first and second output terminals such that paths for outputting voices from the concurrent services are established to different output devices (“one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second volume/balance

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adjuster 50. The first volume/balance adjuster 40 adjusts the volume/balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a loudspeaker 7. The second volume/balance adjuster 50 adjusts the volume and balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a headphone 9" column 2 lines 55-66).

Regarding claim **13**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 9). In addition, Jung discloses the limitation, the different output devices are a speaker (loudspeaker 7, fig. 2) and an earphone (headphone 9, fig. 2).

Regarding claim **14**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10). In addition, Jung discloses the limitation, the different output devices are a speaker (loudspeaker 7, fig. 2) and an earphone (headphone 9, fig. 2).

Regarding claim **15**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10). However, Jung fails to specifically disclose the limitation, the voice switch switches a voice signal received through the first input terminal to the first and second output terminals.

Nevertheless, Jung discloses "the microcomputer 20 controls the audio processor 10 and the switching portion 30 according to the user's command input via the remote controller 100" (column 3 lines 20-22). This shows that a user could chose to only play one of the audio input and output it to both speaker and earphone.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the voice switch switch a voice signal received through the first input terminal to the first and second output terminals because of design choice.

Regarding claim **16**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10). However, Jung fails to specifically disclose the limitation, the voice switch switches a voice signal received through the second input terminal to the first and second output terminals.

Nevertheless, Jung discloses "the microcomputer 20 controls the audio processor 10 and the switching portion 30 according to the user's command input via the remote controller 100" (column 3 lines 20-22). This shows that a user could chose to only play one of the audio input and output it to both speaker and earphone.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the voice switch switch a voice signal received through the second input terminal to the first and second output terminals because of design choice.

Regarding claim **17**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10). In addition, Jung discloses the limitation, the voice switch switches a voice signal received through the first input terminal to the first output terminal and a voice signal received through the second input terminal to the second output terminal ("one of the selected audio signals constituting two audio signals is applied to the first volume/balance adjuster 40 and the other is applied to the second

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volume/balance adjuster 50. The first volume/balance adjuster 40 adjusts the volume/balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a loudspeaker 7. The second volume/balance adjuster 50 adjusts the volume and balance of the audio signal input from the switching portion 30 under the control of the microcomputer 20, and then outputs the adjusted result to a headphone 9" column 2 lines 55-66).

Regarding claim **18**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10).

However, Jung fails to specifically disclose the limitation, the voice switch switches a voice signal received through the first input terminal to the second output terminal and a voice signal received through the second input terminal to the first output terminal.

Nevertheless, Jung discloses "the microcomputer 20 controls the audio processor 10 and the switching portion 30 according to the user's command input via the remote controller 100" (column 3 lines 20-22). This shows that a user could chose to only play both of the audio input and output it to both speaker and earphone in a different manner.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the voice switch switches a voice signal received through the first input terminal to the second output terminal and a voice signal received through the second input terminal to the first output terminal because of design choice.

4. Claims **11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung, Hirose, Thayer further in view of Lester.

Regarding claim **11**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 9). In addition, Jung discloses the storage stores voice output information including voice output paths for the voice switch to establish the voice output paths, and the controller transmits the voice output information to the voice switch so that different voice outputs are connected to different output devices ("When a user's command that an English language audio signal is output via the loudspeaker 7 and at the same time a language audio signal is output via the headphone 9, is input via a remote controller 100, together with a command that an English audio signal is output as a monophonic sound and at the same time a Korean audio signal is output as a stereophonic sound. The microcomputer 20 controls the audio processor 10 and the switching portion 30 according to the user's command input via the remote controller 100" column 3 lines 14-22).

However, Jung, Hirose, Thayer fails to specifically disclose the storage stores voice output information including voice output priority levels.

Nevertheless, Lester teaches "priority communication list 30 comprises a list of priority signal identifiers" (Lester column 4 lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to store voice output information including voice output priority levels because it will "allow each priority signal identifier to be assigned a respective priority level" (Lester column 4 lines 4-5).

Regarding claim **12**, Jung, Hirose, Thayer discloses everything claimed as applied above (see claim 10). In addition, Jung discloses the storage stores voice output information including voice output paths for the voice switch to establish the voice output paths, and the controller transmits the voice output information to the voice switch so that different voice outputs are connected to different output devices ("When a user's command that an English language audio signal is output via the loudspeaker 7 and at the same time a language audio signal is output via the headphone 9, is input via a remote controller 100, together with a command that an English audio signal is output as a monophonic sound and at the same time a Korean audio signal is output as a stereophonic sound. The microcomputer 20 controls the audio processor 10 and the switching portion 30 according to the user's command input via the remote controller 100" column 3 lines 14-22).

However, Jung, Hirose, Thayer fails to specifically disclose the storage stores voice output information including voice output priority levels.

Nevertheless, Lester teaches "priority communication list 30 comprises a list of priority signal identifiers" (Lester column 4 lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to store voice output information including voice output priority levels because it will "allow each priority signal identifier to be assigned a respective priority level" (Lester column 4 lines 4-5).

5. Claims 7, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lester and Jung further in view of Oon (US Patent No. 7,321,861 B1).

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Regarding claim **7**, Lester and Jung discloses everything claimed as applied above (see claim 2). In addition, Lester discloses the limitation, the voice switching signal is generated using a predetermined unused ASCII code (signal identifiers 28).

However, Lester and Jung fails to specifically disclose a predetermined unused ASCII code.

Nevertheless, Oon teaches “ASCII characters still unused” (Oon column 34 lines 19-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a predetermined unused ASCII code because of design choice.

Regarding claim **25**, Lester and Jung discloses everything claimed as applied above (see claim 20). In addition, Lester discloses the limitation, the voice switching signal is generated by selecting a predetermined unused ASCII code (signal identifiers 28).

However, Lester and Jung fails to specifically disclose a predetermined unused ASCII code.

Nevertheless, Oon teaches “ASCII characters still unused” (Oon column 34 lines 19-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a predetermined unused ASCII code because of design choice.

Regarding claim **29**, Lester and Jung discloses everything claimed as applied above (see claim 28). In addition, Lester discloses the limitation, the path reset signal is generated by selecting a predetermined unused ASCII code (signal identifiers 28).

However, Lester and Jung fails to specifically disclose a predetermined unused ASCII code.

Nevertheless, Oon teaches “ASCII characters still unused” (Oon column 34 lines 19-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have a predetermined unused ASCII code because of design choice.

Response to Arguments

5. In response to applicant's arguments regarding claims 1, 8, the recitation “in a mobile terminal” has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hiraio*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

6. In response to applicant's arguments regarding claim 19, the recitation “a mobile terminal capable of switching different voice outputs to different output devices” has not been given patentable weight because the recitation occurs in the preamble. A

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preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

7. In response to applicant's arguments regarding claim 30, the recitation "a computer readable recording medium in a mobile terminal having a processor and capable of switching different voice outputs to different output devices" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

8. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE DUONG whose telephone number is (571)270-1664. The examiner can normally be reached on Monday - Friday: 830 AM-6 PM EST with second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Kevin C. Harper/
Primary Examiner, Art Unit 2416

/Christine Duong/
Examiner, Art Unit 2416
11/06/2008